AF

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application No.	09/679,692
Filing Date	October 4, 2000
First Named Inventor	Glenn Reid
Art Unit	2174
Examiner Name	Nhon D. Nguyen
Total Number of Pages in This Submission	22
Attorney Docket Number	4860P2475

ENCLOSURES ***(check all that apply)***

- [X] Fee Transmittal Form
  - [X] Fee Attached
- [ ] Amendment / Response
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
  - [ ] PTO/SB/08
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [ ] Basic Filing Fee
  - [ ] Declaration/POA
  - [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s)
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [X] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Other Enclosure(s) *(please identify below):*

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thomas M. Coester, Reg. No. 39,637 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	Thomas Coester
Date	August 7, 2006

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name	Suzanne Johnston		
Signature		Date	August 7, 2006

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT ($) 950.00

Complete if Known	
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METHOD OF PAYMENT *(check all that apply)*

☒ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☐ Credit any overpayments

FEE CALCULATION

1. EXTRA CLAIM FEES

			Extra Claims		Fee from below		Fee Paid
Total Claims	32	- 32** =	0	X	50.00	=	$0.00
Independent Claims	4	- 4** =	0	X	200.00	=	$0.00
Multiple Dependent						=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple Dependent claim, if not paid
1204	790	2204	395	**Reissue independent claims over original patent
1205	300	2205	150	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (1) ($) 0.00

***or number previously paid, if greater, For Reissues, see below*

2. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	450.00
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)					

SUBTOTAL (2) ($) 950.00

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SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Thomas M. Coester	Registration No. (Attorney/Agent)	39,637	Telephone	(310) 207-3800
Signature	Thomas Coester			Date	08/07/06

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PATENT
Attorney's Docket No. 48P2475

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:	Examiner: Nhon D. Nguyen
Glenn Reid, et al.	Art Group: 2179
Serial No.: 09/679,692	
Filed: October 4, 2000	
For: **LAYERED GRAPHICAL USER INTERFACE**	

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants (hereinafter "Appellants") submit the following Appeal Brief pursuant to 37 C.F.R. §41.37(c) for consideration by the Board of Patent Appeals and Interferences. Appellants also submit herewith a check in the amount of $500.00 to cover the cost of filing the opening brief as required by C.F.R. §41.37(b)(2). Please charge any additional amount due or credit any overpayment to deposit Account No. 02-2666.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST

Glenn Reid and Priscilla Shih, the parties named in the caption, assigned their rights to the subject application through an Assignment recorded on March 9, 2001 at reel and frame 011375/0451 to Apple Computer, Inc., having a principal place of business in Cupertino, California. Accordingly, Apple Computer, Inc. is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS

Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-48 are pending in the application. The Examiner has rejected claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-48. Appellants hereby appeal the rejections of claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-48.

IV. STATUS OF AMENDMENTS

No claim amendments were submitted after the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The pending claims relate to a method for creating a graphical user interface having user controls through a layered graphic file. See Title, page 1, lines 12 and 13. Independent claims 1, 9 17, 25, 37, 41 and 45 and dependent claims 4, 7, 12, 14, 20, 23, 28, 31, 33-36, 38, 39, 40, 42-44 and 46-48 are presented in this appeal. Claims 17 and 41 are independent claims including means elements under the 35 U.S.C. §112 sixth paragraph. The location of descriptions corresponding to the elements of the claims are identified by page and line numbers of the originally filed application as required by 37 C.F.R. § 41.37(c)(1)(v).

Independent claims 1, 9 and 25 recite "storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user" (page 13, lines 23 to page 14, line 3; and Figure 2). "Creating an application program other than the

multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file" (page 9, lines 16-22).

Independent claim 17 that includes means elements recites "means for storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user" (page 13, lines 23-34 to page 14, line 3; and Figure 2, Graphic File 56 and Control Object 60). "Means for creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file" (page 9, lines 16-22; Figure 1, Processing System 12; and Figure 6, 228).

Independent claims 37 recites "a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user" (page 14, lines 23-28). "Creating an application program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file" (page 9, lines 16-22). "Storing the graphic file and the application program" (page 13, lines 23-34 to page 14, line 3; Figure 2, Graphic File 56 and Application Program 64).

Independent claim 41 includes means elements and recites "means for storing a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user" (page 13, lines 23-34 to page 14, line 3; page 14, lines 23-28; Figure 2, Graphic File 56). "Storing an application program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file" (page 9, lines 16-22; Figure 1, Processing Center 12; and Figure 2, Application Program 64).

Independent claim 45 recite "storing a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user" (page 13, lines 23-34 to page 14, line 3; page 14, lines 23-28; Figure 2, Graphic File 56). "Storing an application program to access the graphic file and to display a control element from the graphic file

on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file" (page 9, lines 16-22; Figure 2, Application Program 64).

Dependent claims 4, 12, 20, 28, 39, 43 and 47 recite "at least one layer of the first control object is grouped with other layers in the graphic file" (page 15; lines 28-31).

Dependent claims 6, 14, 22 and 30 recite "the control element is an edit control to manipulate a time-based stream of information" (page 12, lines 25-32).

Dependent claims 7, 15, 23 and 31 recite "at least one attribute is at least one of an appearance and location or size and element type and state and function and behavior in a particular environment" (page 14, lines 4-13).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues involved in this Appeal are as follows:

A. Whether Claims 1, 4, 7, 9, 12, 15, 17, 20, 23, 25, 28, 31 and 33-48 are unpatentable under U.S.C. §102(b) as anticipated by U.S. Patent No. 5,900,877 issued to Weiss et al. ("Weiss").

B. Whether Claims 6, 14, 22 and 30 are unpatentable under U.S.C. §103(a) as obvious over Weiss.

All of the claims do not stand or fall together. The basis for the separate patentability of the claims is set forth below.

VII. ARGUMENT

A. Overview of the Prior Art

The Examiner rejected Applicants' claims over one reference. This reference is introduced below and at least one weakness is identified for this reference.

1. Overview of Weiss

Weiss describes a method for providing multi-layered graphic user interface controls such as push button controls, radio button controls, check boxes, sliders and list controls (Abstract).

A "graphic control element" in Weiss represents one or more bitmapped or vector graphic objects which, when activated by an appropriate user input action, such as a mouse click, produces a

system message (col. 5, line 67 to col. 6, lines 1-7). Details of a "graphic control element" will be discussed below. Weiss uses the terms "graphic control element" and "graphic control" interchangeably. For example, in col. 6, lines 12-25, Weiss discloses that a graphic control element may include push button controls or radio buttons, and the graphic controls may include check boxes. In this brief, the term "graphic control element" will be used when discussing the Weiss "graphic control element" and the "graphic control."

Each of the Weiss graphic control elements comprises several graphic control layers, wherein each graphic control layer includes a bitmapped graphic object or vector graphic object and each bitmapped graphic object or vector graphic object comprises a transparent region and an opaque region (Abstract; col. 6, lines 40-47; and col. 7, lines 35-44). The bitmapped or vector graphic object is used to represent a particular state of the graphic control. For example, a bitmapped graphic semicircular button 305A exists in one layer and may represent an unpressed or inactive state (col. 7, lines 35-39; col. 8, lines 26 and 27). Generally, a graphic control element may be in one of two states. For example, a push button may be in an unpressed state (e.g. inactive state) or a pressed state (e.g. active state) (col. 6, lines 14 and 15).

As discussed above, each graphic control layer includes a bitmap graphic object or a vector graphic object. The area in each layer not displaying the bitmap or vector graphic object is generally transparent. Each bitmap or vector graphic object embedded in a graphic control layer is positioned so that multiple bitmap or vector graphic objects may be shown as one single graphic control when showing through multiple layers of the graphic control layers. For example, the bitmap or vector graphic objects may be positioned such that the bitmap or vector graphic object in the lower layer may be shown through the upper layer. In Figure 3A, graphic control element 304 comprises two generally semicircular buttons 305A and 305B. However, the generally semicircular buttons 305A and 305B reside in two separate graphic control layers 308 and 316, respectively (col. 7, lines 22-39). Because each graphic control layer is generally transparent, the layering of graphic control layer 308 on top of graphic control layer 316 produces the effect of having two side-by-side semicircular buttons 305A and 305B in graphic control element 300 (col. 7, lines 49-55).

The graphics control elements do not organize the layers as lists. Rather, the layers are objects contained within the graphics control element (Abstract; col. 6, lines 40-47; and col. 7, lines 35-44). Further, the layers do not contain attributes of the graphic control elements. Rather, the layers contain the bitmapped or vector graphic objects. Moreover, Weiss does not disclose a control element having at least one attribute dictated by one of the control objects.

B. Rejection of Claims 1, 4, 7, 9, 12, 15, 17, 20, 23, 25, 28, 31 and 33-48 Under 35 U.S.C. § 102 as anticipated by Weiss

The Examiner rejects claims 1, 4, 7, 9, 12, 15, 17, 20, 23, 25, 28, 31 and 33-48 under 35 U.S.C. §102(b) as anticipated by Weiss. To anticipate a claim, the Examiner must show that a single reference teaches each of the limitations of that claim. The Federal Circuit Court of Appeals in *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1052, 1053 (Fed. Cir. 1987) held that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Independent Claims 1, 9, 17, 25, 37, 41 and 45

Among other limitations, independent claims 1, 9, 17 and 25 recite "a graphic file created by multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user." Independent claims 37, 41 and 45 recite "a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user." In this brief, these claims will be discussed concurrently because they recite similar limitations.

Bitmapped or Vector Graphic Objects of Weiss Do not Read on Graphic File

Applicants argue in the Response to Office Action filed November 22, 2005 that Weiss does not disclose a graphic file containing a list of control objects, where each control object defines attributes of a control element. The Examiner responded by equating the bitmapped or vector graphic object disclosed in col. 6, lines 40-43 of Weiss with the "graphic file" recited in claims 1, 9, 17, 25, 37, 41 and 45. However, Weiss discloses that a bitmapped graphic object or vector graphic object is included in a graphic control element, rather than a bitmapped graphic object or vector graphic object including or containing a list of control objects. If the bitmapped or vector graphic object disclosed in Weiss is relied upon to teach the "graphic file" limitation, then the bitmapped or vector graphic object must include or contain a list of control objects to read upon the further limitations of the claims. Weiss does not disclose that the bitmapped or vector graphic object includes or contains a list of control objects.

The Examiner also relies on col. 6, lines 66-67 and col. 8, lines 40-63 for the teaching of the limitations "a graphic file created by multi-layered type computer program, the graphic file containing a list of control objects." However, these sections are similar to col. 6, lines 40-43 and merely disclose that a graphic control element comprises a plurality of graphic control layers, each of the layers comprises transparent (bitmapped objects) and opaque regions. These sections do not disclose that a graphic file, which, according to the Examiner, is a bitmapped or vector graphic object, includes a list of control objects.

Graphic Control Element of Weiss Does not Read on Graphic File

The Examiner has incorrectly and inconsistently rejected the claim limitations by asserting that the "graphic control element" in Weiss also teaches the "graphic file" recited in claims 1, 9, 17, 25, 37, 41 and 45. See Final Office Action, page 2, paragraph 4. The Examiner stated that col. 8, lines 40-63 teaches a graphic file containing graphic control objects "Button Up" and "Button Down." However, the Examiner has already argued that the "graphic file" recited in claims 1, 9, 17, 25, 37, 41 and 45 to be the "bitmapped graphic or vector graphic object" disclosed in Weiss. Therefore, the Examiner's basis for rejecting claims 1, 9, 17, 25, 37, 41 and 45 is inconsistent.

The "graphic control element" in Weiss does not teach the "graphic file" as recited in claims 1, 9, 17, 25, 37, 41 because the "graphic control element" does not organize control objects in a list. Furthermore, the "graphic control element" does not contain a list of control objects wherein the control object dictates at least one attribute of a control element. Weiss discloses attributes of a control object such as the inactive and active states of the control object (col. 6, lines 14 and 15). However, Weiss does not disclose attributes of "a control element" that a control object dictates. Because the "graphic control element" of Weiss fails to teach that it contains a list of control objects wherein each control object dictates at least one attribute of a control element, Weiss does not teach the limitations of claims 1, 9, 17, 25, 37, 41 and 45.

Weiss Fails to Teach at Lease One Attribute of a Control Element

Moreover, the Examiner failed to establish where in Weiss the limitation "wherein each control object is in at least one layer, dictates at least one attribute of a control element" recited in claims 1, 9, 17, 25, 37, 41 and 45 is taught. According to the Final Office Action, the Examiner equates the "inactive" and "active" attributes of a button to the "at least one attribute" limitation. However, the Examiner did not identify where the limitation "a control element" is taught by Weiss.

According to the Examiner, the control objects "Button Up" and "Button Down" dictate the inactive and active attributes and therefore, the "inactive" and "active" attributes of Weiss teach the "at least one attribute of a control element." However, the claim limitation recites "at least one attribute of a control element" and not "at least one attribute of a control object." See Final Office Action mailed January 31, 2006, page 3, lines 1 and 2. Applicants respectfully submit that the Examiner has failed to provide a consistent argument demonstrating that the separate elements of the "control element" and the "control object" and the discussed relationships between these elements recited in claims 1, 9, 17, 25, 37, 41 and 45 are taught by Weiss.

The inactive and active attributes of a control object disclosed in Weiss teach an attribute of a control object, rather than an attribute of a control element, therefore, Weiss does not disclose "each control object is in at least one layer, dictates at least one attribute of a control element."

Claims 4, 7, 12, 15, 20, 23, 28, 31 and 33-48 depend from claims 1, 9, 17, 25, 37, 41 and 45 and therefore incorporate all the limitations of these claims. For at least the reasons stated above, claims 4, 7, 12, 15, 20, 23, 28, 31 and 33-48 are not anticipated by Weiss.

In short, Weiss does not disclose the recited interrelationships between the elements of the claims. For example, the relationship between a "graphic file" and "a list of control objects" where a graphic file contains a list of control objects, the relationship between each "control object" and an "attribute of a control element" where each control object dictates at least one attribute of a control element, and the relationship between the "graphic file" and the "control element" where the control element has at least one attribute dictated by one of the control objects in at least one layer of the graphic file.

Accordingly, it is requested respectfully that the Board overturns the anticipation rejections of claims 4, 7, 9, 12, 15, 17, 20, 23, 25, 28, 31 and 33-48.

C. Rejection of Claims 6, 14, 22 and 30 Under 35 U.S.C. § 103 as Obvious over Weiss

The Examiner rejects claims 6, 14, 22 and 30 under 35 U.S.C. §103(a) as being unpatentable over Weiss.

Dependent claims 6, 14, 22 and 30 depend from independent claims 1, 9, 17 and 25, respectively, and therefore incorporate the limitations of these independent claims. For at least the reasons stated above, Weiss does not teach or suggest the limitations of claims 6, 14, 22, and 30.

Specifically, Weiss does not disclose "a graphic file containing a list of control objects" and "at least one attribute of a control element." Because Weiss fails to teach or suggest these limitations, the Examiner has failed to establish a *prima facie* case of obviousness.

Furthermore, obviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the reference. *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

Weiss does not disclose "a time-based stream of information." Because Weiss does not disclose this limitation, the Examiner relies on taking official notice. According to the Examiner, it would be obvious for one of ordinary skill in the art to implement an edit control to manipulate a time-based steam of information. However, Applicants respectfully submit that because Weiss does not disclose a time-based stream of information, Weiss does not suggest a manipulation of this time-based stream of information. Because there is no suggestion and the need to manipulate a time-based stream of information, there is no motivation to implement an edit box to manipulate a time-based stream of information. Therefore, Applicants respectfully submits that the Examiner has failed to establish the *prima facie* case of obviousness of the claim limitations recites in 6, 14, 22 and 30.

Appellants respectfully submit claims 6, 14, 22 and 30 are separately patentable over Weiss and requests the rejection of claims 6, 14, 22 and 30 under 35 U.S.C. §103 be overturned.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: 8/7/06 By: Thomas Coester

Thomas M. Coester Reg. No. 39,637

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited as First Class Mail, with the United States Postal Service in an envelope with sufficient postage addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Virginia , VA 22313-1450 on August 7, 2006.

VIII. CLAIMS APPENDIX

The claims involved in this Appeal are as follows:

1. (Previously Presented) A method for producing a graphical user interface, the method comprising:

storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user; and

creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file.

2. (Cancelled)

3. (Cancelled)

4. (Previously Presented) The method of claim 1, wherein the at least one layer of the first control object is grouped with other layers in the graphic file.

5. (Cancelled)

6. (Original) The method of claim 1, wherein the control element is an edit control to manipulate a time-based stream of information.

7. (Previously Presented) The method of claim 1, wherein the at least one attribute is at least one of an appearance and location and size and element type and state and function and behavior in a particular environment.

8. (Cancelled)

9. (Previously Presented) A computer system comprising:

a storage;

a display device; and

a processor coupled to the display device and the storage for:

storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user; and

creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file.

10. (Cancelled)

11. (Cancelled)

12. (Previously Presented) The system of claim 9, wherein the at least one layer is grouped with other layers.

13. (Cancelled)

14. (Original) The system of claim 9, wherein the control element is an edit control to manipulate a time-based stream of information.

15. (Previously Presented) The system of claim 9, wherein the at least one attribute is at least one of an appearance and location and size and element type and state and function and behavior in a particular environment.

16. (Cancelled)

17. (Previously Presented) A system for producing a graphical user interface, comprising:

means for storing a graphic file created by a multi-layered type computer program, the graphic file containing a list of control objects, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user; and

means for creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file.

18. (Cancelled)

19. (Cancelled)

20. (Previously Presented) The system of claim 17, wherein the at least one layer is grouped with other layers.

21. (Cancelled)

22. (Previously Presented) The system of claim 17, wherein the control element is an edit control to manipulate a time-based stream of information.

23. (Previously Presented) The system of claim 17, wherein the at least one attribute is at least one of an appearance and location and size and element type and state and function and behavior in a particular environment.

24. (Cancelled)

25. (Previously Presented) A computer readable medium having stored executable instructions, which, when executed by a computer system for producing a graphical user interface, cause the computer system to:

store a graphic file created by a multi-layered type computer program, wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user; and

create an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file.

26. (Cancelled)

27. (Cancelled)

28. (Previously Presented) The computer readable medium of claim 25, wherein the at least one layer is grouped with other layers.

29. (Cancelled)

30. (Original) The computer readable medium of claim 25, wherein the control element is an edit control to manipulate a time-based stream of information.

31. (Previously Presented) The computer readable medium of claim 25, wherein the at least one attribute is at least one of an appearance and location and size and element type and state and function and behavior in a particular environment.

32. (Cancelled)

33. (Previously Presented) The method of claim 1, wherein the at least one layer is linked with other layers.

34. (Previously Presented) The computer system of claim 9, wherein the at least one layer is linked with other layers.

35. (Previously Presented) The system of claim 17, wherein the at least one layer is linked with other layers.

36. (Previously Presented) The medium of claim 25, wherein the at least one layer is linked with other layers.

37. (Previously Presented) A method for producing a graphical user interface, the method comprising:

creating a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user;

creating an application program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file; and

storing the graphic file and the application program.

38. (Previously Presented) The method of claim 37 wherein the graphic file is created using a program other than the application program.

39. (Previously Presented) The method of claim 37 wherein the layers are grouped.

40. (Previously Presented) The method of claim 37 wherein the layers are linked.

41. (Previously Presented) A system for producing a graphical user interface, comprising:

means for storing a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user; and

means for storing an application program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file.

42. (Previously Presented) The system of claim 41 wherein the graphic file is created using a program other than the application program.

43. (Previously Presented) The system of claim 41 wherein the layers are grouped.

44. (Previously Presented) The system of claim 41 wherein the layers are linked.

45. (Previously Presented) A computer readable medium having stored executable instructions, which, when executed by a computer system for producing a graphical user interface, cause the computer system to:

store a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element and wherein each layer is editable by a user; and

store an application program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one layer of the graphic file.

46. (Previously Presented) The medium of claim 45 wherein the graphic file is created using a program other than the application program.

47. (Previously Presented) The medium of claim 45 wherein the layers are grouped.

48. (Previously Presented) The medium of claim 45 wherein the layers are linked.

IX. EVIDENCE APPENDIX

Not Applicable.

X. RELATED PROCEEDINGS APPENDIX

There are no other appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.